

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
)	
v.)	CASE NO. 2:06-CR-169-WKW
)	
CECILIO PACACHE)	
)	
CHARLES DANIEL CRAIG)	

ORDER

This case is before the Court on defendant Cecillo Pacache's Motion to Continue (Doc. # 493). Defendant Charles Daniel Craig has also joined in the motion. The criminal case is currently set for trial during the February 4, 2007 term. For the reasons set forth below, the Court finds that the trial as to defendants Pacache and Craig should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best

interest of the public and the defendant in a speedy trial.” § 3161(h)(8)(A). Additionally, the Act excludes “[a] reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.” *Id.* § 3161(h)(7).

The Court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Pacache and Craig in a speedy trial. In support of his motion for continuance, Pacache’s attorney explains that the case has 15 defendants and voluminous discovery, and that additional time is needed to permit the parties to continue to negotiate a resolution of the case. The motion is unopposed by the government.

Accordingly, it is ORDERED that the Pacache’s Motion to Continue Trial (Doc. # 493) is GRANTED. The court also continues the trial date of Charles Daniel Craig. Trial in this matter is continued from **February 4, 2007**, to the criminal term of court beginning on **May 5, 2008**.

DONE this 14th day of January, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE